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FILED

JAN 25 2010

**SECRETARY, BOARD OF
OIL, GAS & MINING**

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,
SOUTHERN UTAH WILDERNESS
ALLIANCE, NATURAL RESOURCES
DEFENSE COUNCIL, and NATIONAL
PARKS CONSERVATION ASSOCIATION,

Petitioners,

DIVISION OF OIL, GAS AND MINING,

Respondent,

ALTON COAL DEVELOPMENT, LLC

Intervenors,

DIVISION'S JOINDER
IN ALTON COAL DEVELOPMENT,
LLC'S MOTION AND
MEMORANDUM IN SUPPORT OF
PARTIAL SUMMARY JUDGMENT

Docket No. 2009-019
Cause No. C/025/0005

The Division of Oil, Gas, and Mining (Division), by and through counsel, hereby submits this Joinder in Respondent Alton Coal Development, LLC's ("ACD") Motion and Memorandum in Support of Partial Summary Judgment. The Division hereby joins ACD's motion to dismiss Petitioner's claims that the permit application lacks necessary information regarding alternative sources of water and water replacement obligations (Roman Numeral III. under Argument section at p. 18 of Respondent Alton Coal Development, LLC's Motion and Memorandum in

Support of Partial Summary Judgment) and hereby adopts the arguments, points, and authorities contained in that motion and supporting memorandum.

Respectfully submitted this 28 day of January, 2010

A handwritten signature in dark ink, appearing to read "Steven F. Alder", is written over a horizontal line.

Steven F. Alder, (Bar No #0033)

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Assistant Attorney General

Counsel for Division of Oil, Gas and Mining

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing Request for Agency Action, to be mailed by first class mail, postage prepaid, the 25 day of January, 2010 to:

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